IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 120 of 2007(L)

PETITIONER:

MARYKUTTY PHILIP,
PULICKAL HOUSE, KANAKAPPALLY P.O.,
PARAPPA (VIA), KASARAGODE.

BY ADV. SRI.GEORGE JACOB (JOSE)
SMT.N.G.ANITHA
SMT.RESHMI POULOSE

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KASARAGODE.

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), HOSDURG, KASARAGODE.

3. THE NEELESWAR BLOCK CO-OPERATIVE HOUSING SOCIETY LIMITED NO.C-833, NEELESWAR, KASARAGODE, REPRESENTED BY IT'S SECRETARY.

4. KERALA STATE CO-OPERATIVE HOUSING FEDERATION LIMITED NO.4330, POST BOX NO.1896, KALOOR, ERNAKULAM, COCHIN-17, REPRESENTED BY IT'S MANAGING DIRECTOR.

BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
ADV. SRI.GRASHIOUS KURIAKOSE
SRI.A.K.CHINNAN
SMT.SUSAL A. CHINNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF CHALALN No.6578 DATED 22.06.2000 FOR Rs.30,000/-

EXT.P2: COPY OF CHALAN No.6576 DATED 22.6.2000 FOR Rs.7,055/-

EXT.P3: COPY OF CHALAN NO.6577 DATED 22.6.2000 FOR Rs.30/-

EXT.P4: COPY OF CHALAN NO.6579 DATED 22.06.2000 FOR Rs.1465/-

EXT.P5: COPY OF THE ORDER DATED 23.6.2005.

EXT.P6: COPY OF CHALAN DATED 23.6.2005 FOR Rs. 18,300/-

EXT.P7: COPY OF CHALAN DATED 23.6.2005 FOR RS.1,500/-

EXT.P8: COPY OF CHALAN DATED 23.6.2005 FOR Rs.200/-

EXT.P9: COPY OF THE LETTER DATED 28.7.2006 OF THE THIRD RESPONDENT.

EXT.P10: COPY OF THE COMMUNICATION DATED 5.8.2006 OF THE 1ST REPONDENT.

EXT.P11: COPY OF THE LETTER DATED 19.8.2006 OF THE 2ND RESPONDENT.

EXT.P12: COPY OF THE COMMUNICATION DATED 2.11.2006 OF THE 2ND RESPONDENT.

EXT.P13: COPY OF LETTER DATED 24.3.06 OF THE 4TH RESPONDENT ADDRESSED TO THE REGISTRAR OF CO-OP. SOCIETIES.

EXT.P14: COPY OF THE NOTICE DATED 8.12.2006 FROM THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.120 OF 2007

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Dated this the 20th day of March,2007

JUDGMENT

The petitioner is a defaulter in repayment of loan amounts due to the third respondent bank. The petitioner is challenging recovery proceedings initiated by the bank for recovery of the amounts due as per the award passed by the second respondent-Assistant Registrar of Co-operative Societies, in A.R.C.No.409 of 2005. Although, the petitioner challenges the recovery proceedings, what the petitioner really wants now is only facility to repay the balance amounts due by availing of the benefits of one time settlement scheme.

2. It is submitted before me that more than Rs.1.92 lakhs are due towards repayment of the loan amount. In the above circumstances, as a condition for direction to the third respondent to consider the claim of the petitioner for one time settlement, I feel that the petitioner should pay a substantial amount now. In the above circumstances, the writ petition is disposed of the following terms:

The petitioner shall pay an amount of Rs.40,000/- within one month from today. If the petitioner pays the amount as above, the third respondent shall consider Ext.P9 application for one time settlement and pass appropriate orders thereon. If the petitioner pays

the amount as directed above there would be a stay of further coercive proceedings for recovery of amounts. In that case further payment would be in accordance with the orders to be passed by the third respondent on Ext.P9 as directed above. However, if the petitioner does not pay the Rs.40,000/- within one month as directed above, the third respondent would be free to continue recovery proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

S.SIRI JAGAN,JUDGE

dvs